

Safety Equipment Repair Orders (SERO), Traffic and Parking Citations

505.1 PURPOSE AND SCOPE

This policy outlines the responsibilities for issuing, correcting, voiding and dismissing Safety Equipment Repair Order (SERO), traffic and parking citations.

505.2 POLICY

It is the policy of the Easton Police Department to enforce traffic laws fairly and equally. Authorized members may issue a SERO, traffic citation, parking citation, written or verbal warning based upon the circumstances of the contact and in the best interest of the motoring public and community safety.

505.3 RESPONSIBILITIES

The Records Section shall be responsible for the supply and accounting of all SERO, traffic and parking citation books issued to members of this department using Motor Vehicle Administration (MVA) inventory withdrawal forms (COMAR 11.17.18.01; COMAR 11.17.18.02.) SERO forms (MSP Form 157) may be obtained from the Maryland State Police (MSP) Automotive Safety Enforcement Division (ASED.)

Members will sign for the SERO or citation books when issued or upon return of unused citations. A traffic citation book may not be reassigned to another member or another law enforcement agency without the prior authorization of the MVA. Members may not lend, borrow or share traffic citations (COMAR 11.17.18.03.)

The Chief of Police or the authorized designee shall submit a report on official letterhead advising the MVA within five days of any lost, stolen, mutilated or destroyed traffic citation (COMAR 11.17.18.04(B).)

Upon request, the Chief of Police or the authorized designee shall account for the disposition of traffic citations in a format and within the time required by MVA (COMAR 11.17.18.04(D).)

505.3.1 WRITTEN OR VERBAL WARNINGS

Written or verbal warnings may be issued when the department member believes it is appropriate. The Records Section should maintain information relating to traffic stops in which a written warning is issued. Written warnings are retained by this department in accordance with the established records retention schedule.

505.4 TRAFFIC CITATIONS

505.4.1 ISSUANCE

Officers shall not use an individual's race or ethnicity as the sole justification to initiate a traffic stop. However, this does not alter the authority of an officer to make an arrest, conduct a search

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or seizure, or otherwise fulfill the officer's law enforcement obligations (Md. Code CP § 4-101.1(h) (2).)

Upon issuing a traffic citation, members shall ask the person to acknowledge receipt of a copy of the citation and advise the person that failure to acknowledge receipt may lead to the person's arrest (Md. Code TR § 26-201(b); Md. Code TR § 26-203.)

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Following issuance of a traffic citation, members shall promptly file an electronic or written copy of the citation with the District Court. If the person acknowledges receipt on a written copy of the citation, members shall keep that copy to produce as evidence if required in court and dispose of the other copies of the citation in accordance with the regulations adopted by the MVA (Md. Code TR § 26-407(b).)

505.4.2 CORRECTION

When a traffic citation is issued but is in need of correction, the member issuing the citation shall submit the citation and a letter to his/her immediate supervisor requesting a specific correction. Once approved, the citation and letter shall then be forwarded to the Records Section. The Administrator of Records or the authorized designee shall prepare a letter of correction to the District Court having jurisdiction and notify the citation recipient in writing.

505.4.3 VOIDING

Voiding a traffic citation may occur when the citation has not been completed or when it is completed but not issued. All copies of the voided citation shall be presented to a supervisor for approval. The citation and copies shall then be forwarded to the Records Section.

Once a defendant has been given a copy of the citation and leaves the scene, it cannot be voided. The States Attorney's Office, however, may abandon prosecution (nolle-prosequi) against the defendant.

Members who wish to void a traffic citation shall:

1. Submit a "Request for Voidance of Citation", Form 107 to their shift supervisor explaining the error. The Form 107 shall include the citation number, date issued, and defendant's name.
2. Attach all copies available of the citation to the Form 107.

Shift supervisors, if they agree that a citation should be voided, shall forward the Form 107 and all copies of the citation to the Patrol Commander.

If the Patrol Commander agrees with the request, he shall:

1. Write VOID across the front of the citation, signing and dating the citation directly underneath.
2. Sign the Form 107 and forward it and the citation to Records.

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If the shift supervisor or Patrol Commander disagrees with the request to void the citation, the citation shall be returned to the member with an explanation or further instructions.

505.4.4 DISMISSAL/NOLLE PROSEQUI

Members of this department do not have the authority to dismiss a traffic citation once it has been issued. The member requesting dismissal shall complete and submit a Form 107 and Form 48 to their shift supervisor to review. Upon a review of the circumstances involving the issuance of the traffic citation, the shift supervisor may request to recommend dismissal. The approved Form 107 and Form 48 will be forwarded to the Records Section, who will then forward the request for dismissal to the States Attorney's Office. (Md. Code TR § 26-407(c); Md. Code TR § 26-407(g).)

Any request from a recipient to dismiss a citation shall be referred to the District Court (Md. Code TR § 26-408.)

Should a member determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the member may request the court to dismiss the citation. Upon such dismissal, the member shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required, and forward it to the Patrol Commander for review.

505.4.5 DISPOSITION

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the member's immediate supervisor for review by the end of each shift. The citation copies shall then be filed with the Records Section.

Upon separation from appointment or employment with this department, all members who were issued traffic citations books shall return any unused citations to the Records Section.

505.4.6 JUVENILE TRAFFIC CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing a juvenile a citation.

505.4.7 DATA COLLECTION

Whenever an officer conducts a traffic stop and detains the driver for any period of time for a violation of the Maryland Vehicle Law, he/she shall document the stop as required by law (Md. Code TR § 25-113(d).)

The following are exempt from the reporting requirement:

- Checkpoint or roadblock stops.
- Stops of multiple vehicles due to a traffic accident or emergency situation requiring vehicles to stop for public safety purposes.
- Stops based on the use of radar, laser or Visual Average Speed Computer and Recorder (VASCAR) technology.

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- Stops based on the use of automated license plate reader (ALPR) technology.

Traffic stop data shall be reported and reviewed as specified in the Bias-Based Policing Policy. The Records Section shall submit records of traffic stops to the Maryland Statistical Analysis Center Race-Based Reporting module of Delta+ or automatically via the Electronic Traffic Information Exchange (E-TIX) (Md. Code TR § 25-113(e).)

505.5 PARKING CITATION APPEALS

Parking citations may be appealed in accordance with local and state law.

Citizens requesting to contest parking tickets in court shall be directed to the Town Office.

If the presence of the member who issued the citation is required at trial and the Department has received notice, the member shall appear at trial. Absent proper notice, the member need not appear at the trial and the copy of the citation bearing the certification of the member is prima facie evidence of the facts stated in it (Md. Code TR § 26-303(b).)

505.6 SERO

An officer may issue a SERO for defective safety equipment on all classes of Maryland registered motor vehicles, trailers and semi-trailers except those vehicles displaying historic license plates, interchangeable license plates and temporary registration plates. Specific equipment violations subject to a SERO is maintained by the MSP and are included on the SERO form (Md. Code TR § 23-105(a).)

An officer shall complete a visual inspection and certification upon contact by a member of the public or as assigned (Md. Code TR § 23-105(c).)

505.7 RECORDS

For each citation issued, this department shall keep:

- (a) Every citation, or a record of every citation, for at least three years after issuance (COMAR 11.17.18.04.)
- (b) A record of the disposition of the charge by the District Court (Md. Code TR § 26-407(e).)